

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH S. AUTERI, M.D. :  
: CIVIL ACTION  
v. :  
: NO. 20-64  
:  
VIA AFFILIATES, d/b/a :  
DOYLESTOWN HEALTH PHYSICIANS :  
:

**ORDER**

AND NOW, this 30th day of October, 2023, upon consideration of Defendant VIA Affiliates d/b/a Doylestown Health Physicians' Motion to Dismiss Count II and Count III of the Complaint (ECF No. 6), and all documents submitted in support thereof and in opposition thereto, it is **ORDERED** that the Motion is granted in part without prejudice and denied in part as follows:

1. Defendant's Motion to Dismiss Counts II (disability discrimination) and III of the Complaint is **GRANTED** without prejudice;
2. Defendant's Motion to Dismiss Count II (retaliation) is **DENIED**;
3. Plaintiff is granted leave to amend the Complaint within twenty-one (21) days of the date of this Order.

**IT IS SO ORDERED.**

**BY THE COURT:**

/s/ *R. Barclay Surrick*  
**R. BARCLAY SURRICK, J.**